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The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe: An Attempt at a Comparative Approach

MARC RAEFF

TRADITIONALLY, WESTERN HISTORIOGRAPHY traces the origins of the so-called modern world to the Enlightenment and the revolutionary waves, political and economic, at the end of the eighteenth century. These eighteenth-century origins are related to the rise of a new social class and its triumph over the *ancien régime* as a precondition for the unfolding of the two major aspects of modern civilization—capitalism and statism. But is this view not oversimple? We historians know all too well—and recent scholarship repeatedly reminds us of it—that the past is much more tenacious than public opinion imagines it to be. Little of the past is ever fully lost, though its dynamic role may change and its forms be transmuted.

With respect to state policy and administration, the question arises whether the new ideas of the Enlightenment and the interests of a rising middle class helped to shape the actions of rulers and governments before the French Revolution. Was not the enlightened despotism (or "absolutism," as I would prefer to call it) such a response to intellectual and social pressures? But the very contradiction inherent in the notion of enlightened absolutism doomed the effort to failure and opened the way to the storm of

This article is based on a paper presented at the First Conference of Polish and American Historians, sponsored by the institute of history of Warsaw University and the department of history of the University of Iowa, held at Nieborów, Poland, May 27–29, 1974. I wish to record my gratitude to the organizers and participants of the conference, as well as to the sponsoring institutions, for making possible a most useful exchange of views and information. The present article is in the nature of a preliminary report of research in progress as well as a statement of general hypotheses to inform my future work. It is presented with all due modesty and reticence, to elicit comments and criticisms and to initiate a discussion of some institutional and political aspects of modern European history that, in my opinion, have been neglected by recent historiography. The preliminary nature of the article accounts for the incomplete documentary coverage and unsystematic bibliographical apparatus. My work has received much valuable encouragement and assistance, both material and intellectual, from the Max Planck Institut für Geschichte at Göttingen, where I was visiting fellow in 1972 and 1974. I am most grateful to Professor Rudolf Vierhaus, director of the institute, for his constant interest and valuable criticisms and suggestions. Drs. Ernst Hinrichs, Hans Medick, Jürgen Schlumbohm, and Peter Kriedte, members of the institute's modern section, offered much stimulation and thought by their spirited and critical comments.

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revolution.[1] We may ask, therefore, whether older administrative practices, mental sets, and political traditions, as well as the leadership of established groups, were not more significant than the demands of an emerging class and the rhetoric of a new ideology.

At the center of any consideration of the significance of the European historical heritage is the question of the roots of "modernity"—that is, the origins of "modernization" as a significant element of the social, economic, and political dynamics of the last century and a half, at first in the West and, more recently, elsewhere on our globe. Without pretending to offer a clear-cut, all-encompassing, and unassailable definition of a phenomenon that has so many facets, it is necessary to suggest at least a working descriptive definition to lend some clarity and cohesion to our discussion and analysis. For heuristic purposes I would suggest the following as conveying the essence of what we call "modern," as opposed to earlier, "traditional" European and non-European patterns of culture: what may be detected in the second half of the seventeenth century—and what emerged into the open in the eighteenth in most of Western and Central Europe—is society's conscious desire to maximize all its resources and to use this new potential dynamically for the enlargement and improvement of its way of life. The potential of resources includes not merely material products and riches, but intellectual and cultural creations as well.[2] But conscious action implies a goal, and such a goal must be related to a more or less clear notion of the nature of human behavior and social relationships, as well as a scale of ethical norms. This development, as I hope to suggest, had its beginnings in the second half of the seventeenth century and reached its full flowering by the middle of the eighteenth century. The absolute state provided the framework for public, political action, while rationalism gave the philosophic underpinning. If this chronology proves indeed to be correct, then the revolutionary convulsions of the last quarter of the eighteenth century were only aftereffects of the process, rather than its antecedent stimulus.

IT IS A HISTORIOGRAPHICAL CLICHÉ that, since the early sixteenth century, centralizing monarchical absolutism was the ascendant political system in Europe, a system whose precursors were to be found in Burgundy, Tudor England, and late Valois France, while its apogee was reached with Louis XIV. In our context, however, it is more important to note that the system reached an early and full expression, albeit on a small scale, in German

[1] For an insightful and subtle discussion of the dialectics of enlightened absolutism, see Leonard Krieger, *An Essay on the Theory of Enlightened Despotism* (Chicago, 1975).

[2] For a sweeping survey of the transformation of the material potential, see Fernand Braudel, *Civilisation matérielle et capitalisme (XV^e–XVIII^e siècles)* (Paris, 1967), and for France specifically, Ernest Labrousse *et al., Histoire économique et sociale de la France,* 2 (Paris, 1970). There are also stimulating ideas to be gleaned in Douglass C. North and Robert Paul Thomas, *The Rise of the Western World: A New Economic History* (Cambridge, 1973).

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states after the Thirty Years' War. A major factor was the success of the Reformation, which, in eliminating the Church as the main contestant for authority, enabled the prince to become the sole source of all regulatory power in his domains. It may seem ironic that an essentially "medieval" concern for the spiritual paved the way for the prince's new secular power. Indeed the Reformation, by eliminating, in Protestant lands, the traditional ecclesiastic institutions—while emphasizing the ethical concerns of the faith—encouraged the secular power to exercise its authority fully in all domains of public and private life. Since the Church (i.e., the papacy) no longer offered religious guidance and moral control, the prince had to act so that the true Christian moral purpose of society be preserved and fostered. Not surprisingly, therefore, we encounter the first significant examples of the interventionist and regulatory *Polizeistaat* in the Protestant states of Germany, such as Saxony and Hessen, in the second half of the sixteenth century.[3] This political pattern, on the model of medieval town and gild controls, took somewhat longer to strike roots in Catholic states, not only in the large ones, such as France and Spain, but also in the smaller principalities of Italy and Germany, where control of public life was shared by the supranational Roman Church and its local institutions.

The Thirty Years' War reinforced the dynamics inherent in this political system. Not only did the ravages of war have to be repaired, but the military revolution of the mid-seventeenth century had created new demands:[4] the large-scale building of fortifications and strategic roads and the maintenance of permanent, regular armies that fell on the ruler (i.e., the state) instead of the feudal services and private entrepreneurs as of old.[5] In addition, though in a way difficult to assess specifically, the "baroque spirit" that had captivated most of Europe, even the more puritanical Protestant courts, in the wake of sixteenth-century Spain, involved great public displays which, in

[3] Kurt Zielenziger, *Die alten deutschen Kameralisten: Ein Beitrag zur Geschichte der Nationalökonomie und zum Problem des Merkantilismus* (Jena, 1914). For a convenient repertory guide, see Erhard Dittrich, *Die deutschen und österreichischen Kameralisten* (Darmstadt, 1974); for a discussion of direct connection with Protestantism, see Franz Lütge, "Luthers Eingreifen in den Bauernkrieg in seinen sozialgeschichtlichen Voraussetzungen und Auswirkungen," in his *Studien zur Sozial- und Wirtschaftsgeschichte: Gesammelte Abhandlungen* (Stuttgart, 1963), 112–44, and, more specifically, Ludwig Zimmermann, *Der hessische Territorialstaat im Jahrhundert der Reformation*, 1 (Marburg, 1933–34).

[4] On the vexed question of the ravages of the Thirty Years' War, see Wilhelm Abel, *Die Wüstungen des ausgehenden Mittelalters: Ein Beitrag zur Siedlungs- und Agrargeschichte Deutschlands* (2d ed.; Stuttgart, 1955); Günther Franz, *Der Dreissigjährige Krieg und das deutsche Volk (Untersuchungen zur Bevölkerungs- und Agrargeschichte)* (3d ed.; Stuttgart, 1961); Franz Lütge, "Die wirtschaftliche Lage Deutschlands vor Ausbruch des 30 jährigen Krieges," *Jahrbuch für Nationalökonomie*, 170 (1958): 43–99; Lütge, "Strukturelle und konjunkturelle Wandlungen in der deutschen Wirtschaft vor Ausbruch des 30 jährigen Krieges," in Bayerische Akademie, Philosophisch-historische Klasse, *Sitzungsberichte*, 5 (1958); and for a somewhat superficial summa → Henry Kamen, "The Economic Consequences of the Thirty Years' War," *Past and Present*, 39 (1968): 44–61.

[5] Michael Roberts, "The Military Revolution, 1560–1660," in his *Essays in Swedish History* (Minneapolis, 1967), 195–225; Gerhard Oestreich, "Zur Heeresverfassung der deutschen Territorien von 1500 bis 1800," in his *Geist und Gestalt des frühmodernen Staates: Ausgewählte Aufsätze* (Berlin, 1969), 290–310.

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turn, required greater domestic productivity and livelier international trade.[6] The latter was, of course, enhanced by the new fashions and style of life made possible by the colonial expansion overseas.[7] In spite of the efforts at limiting its scope and effects, the urge to consume, and to consume conspicuously, was growing fast in seventeenth-century Europe.

These circumstances led the state (i.e., the prince and his administration) to act as pump primer in promoting and protecting the productive potential of society. There is no need to stress also the fact that this dynamic intensification of the state's role in the economic, social, and cultural domains was taking place in the context of a Europe divided politically and confessionally. Each state, large or small, endeavored to rely as much as possible on its own resources to provide the wherewith for its military, political, and court establishments in order to maximize its own power and avoid enhancing that of its neighbors.[8] The result was the set of policies that go under the names of cameralism and mercantilism, policies designed to accumulate monetary reserves and to achieve self-sufficiency through state subsidy, control, and protection.[9]

The theoretical justification of this conception of government presents an interesting blend of the spiritual and material, or secular, as befits Protestantism. The point of departure is the notion of the ruler's duty to safeguard the spiritual life of his subjects, to enable them to live the good Christian life and prepare themselves for salvation. This is nothing more than the medieval conception of life in society, for in this respect the Reformation marked a return to the spiritual traditions of the Middle Ages.[10] In

[6] Walter Hubatsch, "'Barock' als Epochenbezeichnung?" in Hubatch, ed., *Absolutismus* (Darmstadt, 1973), 268–87; see also the remarks in Carl Hinrichs, *Friedrich Wilhelm I, König in Preussen: Eine Biographie*, 1 (Hamburg, 1941; rpt., Darmstadt, 1968): bk. 2, ch. 3.

[7] See, for example, J. H. Parry, "Transport and Trade Routes," and G. B. Masefield, "Crops and Livestock," in *The Cambridge Economic History of Europe*, 4, ed. E. E. Rich and C. H. Wilson (Cambridge, 1967), chs. 3, 5.

[8] Otto Hintze, "Machtpolitik und Regierungsverfassung," in his *Staat und Verfassung: Gesammelte Abhandlungen zur allgemeinen Verfassungsgeschichte*, ed. Gerhard Oestreich (2d ed.; Göttingen, 1962), 424–56.

[9] The discussion concerning the nature of mercantilism and its relationship to cameralism does not seem close to being settled. I incline to the opinion that mercantilism, in the seventeenth century, is best seen as the trade and tariff policy of cameralism, which in turn is a more comprehensive system of national economy. On mercantilism, besides the classic work of Elie Heckscher, see the handy collection edited by D. C. Coleman, *Revisions in Mercantilism* (London, 1969), and Hermann Kellenbenz, "Probleme der Merkantilismusforschung," in XII[e] Congrès des sciences historiques—Vienne 1965, *IV Rapports—Méthodologie et histoire contemporaine* (Vienna, 1965), 171–90. For the much-debated problem of the relationship that early modern economic policies bore to the formation of a territorial economic system, see Georg von Below, "Der Untergang der mittelalterlichen Stadtwirtschaft: Über den Begriff der Territorialwirtschaft," in his *Probleme der Wirtschaftsgeschichte* (Tübingen, 1920), 501–620; Hans Spangenberg, *Territorialwirtschaft und Stadtwirtschaft* (Munich, 1932); and Franz Lütge, "Das 14/15. Jahrhundert in der Sozial- und Wirtschaftsgeschichte," in his *Studien zur Sozial- und Wirtschaftsgeschichte*, 281–335. For a discussion with specific reference to Russia, see Alexander Gerschenkron, *Europe in the Russian Mirror* (Cambridge, 1970). On cameralism as an economic system, see the still useful Albion W. Small, *The Cameralists* (Chicago, 1909); Anton Tautscher, *Staatswirtschaftslehre des Kameralismus* (Bern, 1947); and the bibliographic repertory of Magdalene Humpert, *Bibliographie der Kameralwissenschaften* (Cologne, 1937).

[10] On the Renaissance as a "naturalistic" episode, see the suggestive points made by Robert Lenoble in *Mersenne ou la naissance du mécanisme* (Paris, 1943), introd., ch. 3.

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another sense, however, focus on the spiritual also implied active concern for the material as its necessary precondition, and therein lay the modernity of the Reformation—the *vita activa* fully displaced the passive, ascetic ideal of the *vita contemplativa* as the desirable form of the most rewarding Christian way of life.[11]

Emphasis on the moral and material goals of administration came naturally to a ruler and his government that had to fight for survival on the international stage and at the same time try to benefit from the expanding imperial, cultural, and economic horizons. A strong independent government and a powerful ruler were believed to be the preconditions of the spiritual and material welfare of the subjects, and the latter's happiness was implicitly equated with the maximizing of the creative potential of the state in a God-pleasing manner. One should, therefore, not doubt the sincerity of the eudaemonistic argument that rulers and publicists set forth in the seventeenth century in advocating absolutism and the interventionist *Polizeistaat*. But it is equally important to remember that for seventeenth-century writers eudaemonism was not an end in itself, as it was going to become later, but only a means.[12] The subjects' welfare and prosperity would increase productivity and foster their creative energies and industriousness, which in turn would rebound to the benefit of the state and the ruler's power and provide the proper framework for a Christian way of life.[13] The full logical and practical implications of this outlook were drawn by Pietism—especially in A. H. Francke's educational and philanthropic institutions at Halle—which stressed the significance of the material world as the means for spiritual goals. Its impact on the administrative and economic policies of Prussia, Saxony, and others is well known.[14]

[11] The new concept of the proper *vita activa* is also related to the changing view of the pauper and beggar. See Wilbur K. Jordan, *Philanthropy in England, 1480–1660: A Study in the Changing Pattern of English Social Aspirations* (New York, 1959; rpt., New York, 1964); Jean-Pierre Gutton, *La Société et les pauvres: L'exemple de la généralité de Lyon, 1534–1789* (Paris, 1971); and his more recent summary of the problem on a European-wide scale, *La société et les pauvres en Europe (XVI^e–XVIII^e siècles)* (Paris, 1974).

[12] Kurt Wolzendorff, *Der Polizeibegriff des modernen Staates* (Breslau, 1918). The sixteenth-century roots are traced to Melanchthon by Ludwig Zimmermann: "Die 'Ordnung' ist daher Verwirklichung des gemeinen Nutzens. Für Melanchthon ist der *ordo politicus* geradezu gleichbedeutend mit *salus publica*. Er sieht die Geschichte im Sinne optimistischen Fortschritts"; and he concludes, "Der *gemeine nutz* wird das Bildungsideal religiös-sittlicher Erziehung, welche Kirche und Staat zu vollziehen haben. Der Staat ist ein *paedagogicum virtutis*, seine Politik richtet sich auf *foelicitatis progressum*, ihr letztes Ziel ist die ewige Seligkeit." *Der hessische Territorialstaat*, 1: 384, 386, italics in original. For a general summary of the eudaemonic intent in German law, see Walther Merk, *Der Gedanke des gemeinen Besten in der deutschen Staats- und Rechtsentwicklung* (Darmstadt, 1968).

[13] The early eighteenth-century practitioner and publicist, Bernhardt von Rohr summarizes: "Wenn man erwäget, wie das Interesse des Herrn und die Glückseligkeit des Landes und seiner Untertanen genau miteinander vereint . . . so dass dem Lendesherren unmöglich wohl sein kann, wenn nicht den Untertanen auch mit zugleich wohl ist." *Einleitung zur Staats-Klugheit, oder Vorstellung wie christliche und weise Regenten zur Beförderung ihrer eigenen und ihres Landes Glückseligkeit ihre Untertanen zu beherrschen pflegen* (Leipzig, 1717), 838, spelling and punctuation have been modernized.

[14] Carl Hinrichs, *Preussentum und Pietismus: Der Pietismus in Brandenburg-Preussen als religiös-soziale Reformbewegung* (Göttingen, 1971); Eduard Winter, *Halle als Ausgangspunkt der deutschen Russlandkunde im 18. Jahrhundert* (Berlin, 1953); Józef A. Gierowski, "Pietyzm

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By the beginning of the eighteenth century the responsibility for this goal was thrust onto the person (i.e., the ruler) or single secular institution (i.e., the state) through the virtual elimination of all other institutions that the Middle Ages had developed to this same end—the Church, monastic orders, and fraternities.[15] As a result, the traditional mandate of government (i.e., rulership) shifted from the passive duty of preserving justice to the active, dynamic task of fostering the productive energies of society and providing the appropriate institutional framework for it.[16] Clearly ambiguity was built into the approach from the start, since it wavered between repressive controls and the encouragement of enterprise and initiative.

It seemed in fact to be an uneasy compromise between the passivity of traditionalism and the dynamism of modernity. It was the obligation of the ruler, while preserving harmony and justice (*suum cuique tribuere*), to initiate the necessary measures and regulations—the more so as the obligation coincided with the prevalent philosophic rationalism. As the Divine Maker has put into motion the well-regulated mechanism of nature and has kept it in operation by means of rational laws, so should the ruler enact the laws and regulations that shape society and keep it on the right path.[17] This is the conception that is at the root of the drive for centralization and uniformity, as well as of the excessive mania for regulation that we observe in the absolute monarchies of the later seventeenth century. Naturally, within the constricted framework of the middling and petty states of Germany, this centralism and regulatory bent easily led to the tyrannical control and supervision of every facet of public and economic life that may be observed in their legislative sources, the *Landes- und Polizeiordnungen*. But it is particularly important to stress that, as in the case of eudaemonism, the detailed and petty regulations were but means for the realization of the essential purpose: the maximizing of all the creative energies and potential

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na ziemiach Polskich do połowy XVIII wieku" (Pietism in Polish Lands to the Middle of the Eighteenth Century), *Sobótka* (St. John's Eve), 1972, no. 2, pp. 237–61.

[15] *Mutatis mutandis*, this also applied to Catholic states. On the interesting consequences at the end of the eighteenth century in France, for example, see the fascinating study of Maurice Agulhon, *Pénitents et Francs-Maçons de l'ancienne Provence* (Paris, 1968).

[16] Besides the classic histories of medieval political thought by Otto von Gierke, R. W. and A. J. Carlyle, and Walter Ullmann, see the stimulating and penetrating remarks by Michel Villey, *La formation de la pensée juridique moderne* (Paris, 1968).

[17] "Wie die Welt und das Naturgeschehen einem Vernunftschema eingegliedert wird, so bricht sich auch die Vorstellung Bahn, dass die wirtschaftlichen und sozialen Beziehungen des Menschen zu einander mit ihren Zielen und Zwecken restlos durch die Verstandeskraft begriffen und deshalb auch nach menschlichem Ermessen und Vernunfterwägungen gemeistert werden, menschlichen Willensäusserungen unbedingt dienstbar gemacht werden und untergeordnet werden können. Denn dies ist die stillschweigend angenommene Basis der merkantilistischen Wirtschaftspolitik: auch auf das Wirtschaftsleben wird das Geltungsgebiet der menschlichen Gesetzgebung ausgedehnt, wie auch der Kosmos Gesetzen gehorcht. . . . Das Postulat jener Geistesrichtung, das Weltbild und seine Gestaltung durch die Vernunft lückenlos zu begreifen, *führt auch zwingend* zur logischen Konsequenz, diesen Ablauf durch vernunftmässige Willensäusserungen zu bezwingen und willkürlich zu verändern. . . . Die ganze Wirtschaftspolitik des Zeitalters ist durchtränkt vom Glauben an die Allmacht eines staatlichen Willens." Luise Sommer, *Die österreichischen Kameralisten*, 1 (Vienna, 1920): 90–92, italics in original.

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resources of a stable and harmonious society so as to further the spiritual and political ends set by God through natural law.

It is not necessary to dwell on the well-researched problem of the relationship between absolute rulers and estates.[18] Their conflict, of course, dominated the political life of German states, as well as elsewhere, from the sixteenth century on. It would be fair, I think, to conclude that in the end the rulers triumphed, even though in many cases the estates retained some authority or subsequently reasserted their power in times of crisis. What is more significant in our context is that in many respects the rulers cooperated, or were brought to cooperate, with the representatives and functionaries of the estates, who thus contributed in significant ways to the regulatory and bureaucratic administration of the princes. The police ordinances of the latter half of the seventeenth century are noteworthy for the extent to which they rely on existing estate and corporative institutions and mechanisms to implement controls and regulations. Only a few new offices were created or officials appointed to enforce these controls and regulations. Essentially the task was delegated to existing functionaries, and, wherever possible, it was carried out with the help of corporations and other constituted bodies.[19] What was new is the greater degree of control and supervision exercised over the activities of these officials and institutions by the prince's councils and central offices. The officials became increasingly mere executors of the instructions and orders emanating from the center, which provided rational and comprehensive direction. Here, again, old institutional forms and means were used to achieve new, modernizing ends.

Quite clearly, the primary concern of the governments was to protect and foster the interests of those corporations and constituted bodies whose industry and productive potential were most beneficial. This did not mean the elimination of traditional social hierarchies and structures; quite the contrary. Yet it resulted in the government endeavoring to promote and favor all those members who worked in a way beneficial to the state's ultimate interests, as they were conceived in terms of the notions I have described. The state acted as arbiter—that is, as protector—of traditional

[18] The literature on this question is immense. For German lands specifically, see F. L. Carsten, *Princes and Parliaments in Germany from the Fifteenth to the Eighteenth Century* (Oxford, 1959); Dietrich Gerhard, ed., *Ständische Vertretungen in Europa im 17. und 18. Jahrhundert* (Göttingen, 1969); Gerhard, "Regionalismus und ständisches Wesen als ein Grundthema europäischer Geschichte," *Historische Zeitschrift*, 174 (1952): 303–37; and Helmut G. Koenigsberger, *Estates and Revolutions: Essays in Early Modern European History* (Ithaca, 1971).

[19] Carl-August Agena, *Der Amtmann im 17. und 18. Jahrhundert: Ein Beitrag zur Geschichte des Richter- und Beamtentums* (Göttingen, 1972); Roland Mousnier, "État et commissaire: Recherches sur la création des intendants de province," in his *La plume, la faucille et le marteau* (Paris, 1970), 179–200; and the classic essays of Otto Hintze, "Die Wurzeln der Kreisverfassung in den Ländern des nordöstlichen Deutschlands" and "Der Commissarius und seine Bedeutung in der allgemeinen Verwaltungsgeschichte," both in his *Staat und Verfassung*, 186–215, 242–74, and "Der Ursprung des preussischen Landratamts in der Mark Brandenburg," in his *Regierung und Verwaltung: Gesammelte Abhandlungen zur Staats-, Rechts- und Sozialgeschichte Preussens*, ed. Gerhard Oestreich (Göttingen, 1967), 164–203.

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useful bodies and as promoter of new interests. Cameralist police and mercantilist economic policies pursued exactly this same aim. If the peasantry had the short end of it, it was not only because of the ruler's desire to protect and placate "feudal interests"; it was mainly due to the conviction, based on prevailing experience, that there was a narrow range to the productive potential of the peasant, and the extent of this range did not depend primarily on the peasant's status.[20] It was sufficient to promote his security, it was felt, and to succor him in case of direst need. That is why the earlier regulations of agriculture and country life were limited in scope. It was only in the latter half of the eighteenth century, after it had been realized that agriculture, too, had a potential for dynamic expansion, that there developed more active legislation to promote the modernization of the countryside and agriculture.[21] We may conclude, paradoxically, that classes (in the Marxist sense of groups defined by their members' role and interest in the prevailing modes of production rather than by their social status and function) were the result of the encouragement and stimulation provided by the initiatives of the well-ordered *Polizeistaat*. By intervening in the daily activities of its subjects and by fostering the maximum utilization of all resources and creative energies, the absolutist state undermined the estate structure, on which it often relied in practice and promoted the dynamics of modernization and the formation of classes.

At the core of the system there was a profound contradiction between its fundamental aims and purposes, on the one hand, and the means it resorted to, on the other. First, there was ambiguity concerning the relative place and role held by the individual and by the group. Quite clearly, on the basis of a rationalist and mechanistic Weltanschauung, leadership must belong to the single person of the individual ruler.[22] Reliance on the individual would

[20] For an example of an early rural *Polizeiordnung*, see "Landesordnung des Fürsten Christian I vom Jahre 1607," in *Mittheilungen des Vereins für anhältische Geschichte und Alterthumskunde*, vol. 2, pt. 7 (1880): 527–38. On the limits of agrarian growth potential, see the excellent little summary by Wilhelm Abel, *Massenarmut und Hungerkrisen im vorindustriellen Deutschland* (Göttingen, 1972).

[21] André J. Bourde, *Agronomie et agronomes en France au XVIII^e siècle* (Paris, 1970); Guy Ferry and Jacques Mulliez, *L'état et la rénovation de l'agriculture au XVIII^e siècle* (Paris, 1970); Ambroise Jobert, *Magnats polonais et physiocrates français, 1767–1774* (Paris, 1941); Helen P. Liebel, *Enlightened Bureaucracy versus Enlightened Despotism in Baden, 1750–1792* (Philadelphia, 1965). As these studies, among many, show, the impulse came from England—though Dutch models inspired some late seventeenth-century ordinances—but progress was slow because of the limitations of capital and resources.

[22] The theoretician of this outlook, Christian Wolff, wrote: "On verra ainsi que la République ne sera heureuse que lorsque les affaires publiques seront dirigées par une *théorie certaine*. . . . Cette théorie se trouve dans le *monde rationnel* qui comprend toutes les vérités universelles dont la philosophie, traitée avec une méthode scientifique, est la Description." *Le Philosophe-roi et le Roi-philosophe*, pt. 2: *La théorie des affaires publiques* (Berlin, 1740), 113, 121, italics in original. And his pragmatic follower Frederick II put it somewhat later in more telling words: "Un corps de lois parfaites ferait le chef d'oeuvre de l'esprit humain, dans ce qui regarde la politique du gouvernement; on y remarquerait une unité de dessein et des règles si exactes et si proportionnées, qu'un état conduit per ces lois ressemblerait à une montre dont tous les ressorts ont été faits pour un même but . . . tout serait prévu, tout serait

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also be implied in the maximizing of all creative potentials, for they are the result of the creative efforts of individuals in their respective spheres of action. On the other hand, reliance on the existing corporations, estates, and institutions, and their functionaries, as well as a belief in the harmonious interaction and functioning of the several estates in the total economy of society, implies the subordination of the individual's interests and concerns to those of the group. It means stressing the duties of the individual rather than his rights, and it has for its effect the downgrading of the individual in favor of the community, as personalized by the ruler or materialized in the state.[23] While easily justifying sacrifices for the common weal, this point of view may also stifle those individuals and selfish drives that have frequently been at the origin of many creative innovations and have contributed to society's material and spiritual wealth.

In the second place, there is also an inbuilt contradiction in fostering individual creativity by means of centralized and directed controls. It was believed that such *dirigisme* would bring creativity to its highest pitch, while at the same time directing it into useful channels of innovation and dynamic progress. This was not to be, especially in view of the insistence on religious uniformity and sociocultural conformity. Again this approach proved particularly stifling in the petty states of Germany, though its disastrous implications became glaringly apparent in the case of France as well, when Louis XIV imposed religious uniformity by revoking the Edict of Nantes, or in the case of Russia's persecution of Old Believers.[24]

THE APPLICATION OF A MECHANISTIC VIEW of the world to the sphere of government and the belief in voluntaristic state direction for maximizing the potential of society entailed active intervention and supervision on the part of prince and administrators. If government or ruler were to be initiators, they had to have a proper corps of assistants and a corpus of new administrative techniques. The traditional type of official was obviously ill suited to this end, as he operated on the basis of custom and *ad hoc* decisions in negative restraint rather than in constructive action.

Two features of the new administrative practice deserve to be mentioned here: routinization, in Max Weber's sense of the term, implied the separation of government activities from other public and private concerns, so as

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combiné, et rien ne serait sujet à des inconvénients; mais les choses parfaites ne sont pas du ressort de l'humanité." "Dissertation sur les raisons d'établir ou d'abroger les lois," in *Oeuvres complètes de Frédéric II roi de Prusse* (n.p., 1790), 7: 109, spelling modernized.

[23] Fritz Valjavec, *Geschichte der abendländischen Aufklärung* (Vienna, 1961); Hans M. Wolff, *Die Weltanschauung der deutschen Aufklärung in geschichtlicher Entwicklung* (Bern, 1963).

[24] Erich Haase, *Einführung in die Literatur des Refuge* (Berlin, 1959). On the Old Believers, see Gerschenkron, *Europe in the Russian Mirror*, and Robert E. Crummey, *The Old Believers and the World of Antichrist* (Madison, 1970).

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to lend to official acts more authority and free them as much as possible from personal relationships and influences by making them more "objective" and regular. It meant, in short, to endow the administration with the arcane aura of the distinct and objective, and hence the superior.[25] It also served to instill in the population the notion of the state as a separate, autonomous entity with its own—not merely the ruler's—goals, interests, and needs. Inasmuch as the administration was the source of the guidance, furtherance, and control of all potential energies, it had also a didactic function in familiarizing the people with its designs and goals. To our eyes, the minute and petty prescriptions for the operation of offices and clerkships to be found in many *Polizeiordnungen* and learned treatises of cameralist writers may seem naive or slightly ridiculous. But they are illustrative of the new concerns of government; the instruments of administration were coming to be as important as the ends they served or promoted, and they were acquiring a life of their own, becoming an end in themselves. The very routine of government operations threatened to swallow up the purpose for which it had been introduced, and the personnel of administration—the bureaucracy—was evolving into a separate class with its own specific interests, interests that were identified with those of the state rather than with those of a particular estate. The arrogance and self-righteousness of administrative power that reached the extreme degree we observe in the Russia of Peter the Great or the Austria of Joseph II take their roots in this development.

What has frequently been considered a particular manifestation of the brutal didacticism of Peter I of Russia, of his desire to civilize his society at one blow and to establish rigid and all-pervading state controls over all aspects of public and private life, was, in fact, nothing but a straight copying and translating of earlier German *Kanzleiordnungen*.[26] And Peter's rough and outspoken style has its match in the earthy language of the *roi sergeant*. The didactic success of *Kanzleiordnungen* in introducing a new administrative outlook and practice may be inferred from the fact that half a century later standard authors of treatises of administration did not need to go into as much detail as had Seckendorff, for the procedures had come to be taken for granted.[27] The process of assimilation was slower in Russia, as may be gathered from the detailed regulations and forms still prescribed

[25] Volker Press, *Calvinismus und Territorialstaat: Regierung und Zentralbehörden der Kurpfalz, 1559–1619* (Stuttgart, 1970), and for the Russian case, see the suggestive ideas → Michael Cherniavsky, "The Old Believers and the New Religion," *Slavic Review*, 15 (1966): 1–39.

[26] See, for instance, the *Kanzleiordnung* dated December 15, 1684, in C. G. Appel, ed., *Sammlung Fürstlich-hessischer Landesordnungen und Ausschreiben . . .* , pt. 3: *1671–1729* (Cassel, 1770), no. 409; see also Veit Ludwig von Seckendorff, *Teutscher Fürstenstaat* (1656; rev. ed., Jena, 1737; rpt., Aalen, 1972), pt. 2, ch. 6. And see Horst Kraemer, *Der deutsche Kleinstaat des 17. Jahrunderts im Spiegel von Seckendorffs 'Teutscher Fürstenstaat'* (Darmstadt, 1974).

[27] For example, Christian A. Beck, *Versuch einer Staatspraxis oder Canzleiübung aus der Politik, dem Staat- und Völkerrechte* (Vienna, 1754). In contrast to Seckendorff, see any of the better-known treatises on *Polizeiwissenschaft* by Johann Heinrich Gottlob von Justi, Joachim Georg Darjes, and Joseph von Sonnenfels.

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by the imperial administration at the end of the eighteenth century.[28] In addition, the same formulas and rules were repeated each time a new institution was set up, although the basic pattern was supposed to have been set once and for all by the "General'nyi reglament" of Peter the Great.[29] The "enlightened" absolutism of Frederick II or Joseph II, which depended so much on administrative guidance and action, would have been inconceivable without this late seventeenth-century "rationalization" of chancery procedures. Even the notion of the abstract interest of the state taking precedence over the prince's private interests, which found expression in the well-known formula attributed to Frederick II that "the king is the first servant of the state," had its antecedents in the chancery and cameralist writings of the late seventeenth century.[30] Peter I's similar statements are but a more explicit and secular expression of sentiments that have their root in the Protestant notion of the prince's calling and Christian obligation to the welfare of his subjects. Of course there was much self-serving in this rhetoric, but its thrust is to be taken seriously. "L'état, c'est moi" did not mean only that "I am the state" but also that "the state is in me," that is, I am its fullest expression and its principal organ.[31]

An increasingly strong stress on the secular side of public life is an oft-noticed characteristic of cameralism and absolutism. The well-ordered police state was concerned with the promotion of rational organization of all public activity, including the ecclesiastic sphere. An interesting illustration may be found in the very beginning of the eighteenth century—long before the impact of the philosophes' writings—in the revised Church ordinance of the principality of Hessen, which, for the first time since the sixteenth century, concerned the proper policing of public worship. In specifying the order of admission to Holy Communion the ordinance stresses disregard of social and official rank. The reason given is the prevention of arguments and quarrels about precedence. But at the same time the ordinance states the government's belief in the equality of all subjects before God and the priority of public order, so that precedence should be based only on a person's proximity to the altar, with no consideration to status or rank.[32] This detail, though admittedly minor, is notable since we may infer that in

[28] For example, order of A. A. Viazemskii, Sept. 13, 1784, Central State Archives of Old Charters in Moscow (hereafter TsGADA), *fond* 248, no. 6,570, fols. 8–12.

[29] "General'nyi reglament" (General Regulation), Feb. 28, 1720, in *Polnoe sobranie zakonov Rossiiskoi imperii* (Complete Collection of Laws of the Russian Empire), 1st ser. (hereafter *PSZ*) (St. Petersburg, 1830), vol. 6, no. 3,534.

[30] And, of course, the religious motivation dates back to the Reformation. Seckendorff, *Teutscher Fürstenstaat,* and von Rohr, *Einleitung zur Staats-Klugheit,* give good formulations. Their near contemporary, Jacob Döpler, still puts the religious motivation in almost medieval terms in *Treuer Herr / Treuer Knecht* (Leipzig, 1694).

➡ Fritz Hartung, "L'état c'est moi," *Historische Zeitschrift,* 169 (1949): 1–30.

[32] Church ordinance, Nov. 24, 1702, in Appel, *Sammlung Fürstlich-hessischer Landesordnungen,* no. 571. The ideas of religious toleration and the noninterference into basic Church matters by even the pious ruler are well developed by von Rohr, *Einleitung zur Staats-Klugheit,* 260–63.

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earlier regulations it was taken for granted that precedence would be based on traditional status. The close similarity with Peter I's legislation in replacing traditional hierarchies by a more mechanical and rational "Table of Ranks" readily springs to mind.[33]

Similarly it was thought that the state should be concerned about educating its future citizens, especially its future administrators.[34] It is no accident that in view of their need for new parish clergy the Protestant princes took the initiative in creating universities in German lands. As a result, the sixteenth and especially the seventeenth centuries witnessed the emergence of the university-trained official as the principal adviser to the ruler.[35] While in Catholic countries the public role of the universities was on the decline, the Protestant universities were modernizing (*aggiornamento* would be the fitting word) their programs to provide training not only for their pastors but for their jurists, physicians, and scholars as well. In this manner, by the end of the seventeenth century many leading universities had become major avenues for the modernization of public life.[36] The high point of this development was the founding of the University of Halle—specifically the establishment of a chair in cameral studies—to prepare students for the *vita activa* in public affairs while imbuing them with the ethical and spiritual values of Pietism and with their responsibilities as leaders and teachers. The Pietist foundation in Halle stimulated the reform of other universities, particularly at Leipzig and Frankfurt an der Oder and paved the way for the new creation of Göttingen. All of these universities were to become important centers of natural law doctrines as expounded by Christian Thomasius and Christian Wolff and of the subsequent German *Aufklärung*.[37]

We note that this development in German intellectual life has a seventeenth-century origin; the university ordinances for Marburg, for instance, show an awareness of the need for professional training for state service.[38] If we compare the language of these Hessian university ordinances with

[33] "Tabel' o rangakh" (Table of Ranks), Jan. 24, 1722, in *PSZ*, vol. 6, no. 3,890.

[34] For example, consider the creation of a *collegium illustre* in Tübingen, Marburg, and Cassel; and for the less well-known academic gymnasium at Zerbst, see Franz Kindscher, "Das hochfürstliche anhaltische akademische Gesammtgymnasium zu Zerbst unter Kannengiesser (1662–1680)," in *Mittheilungen des Vereins für anhältische Geschichte und Alterthumskunde*, vol. 6, pt. 2 (1892): 284–301.

[35] Interesting data may be gleaned from the several essays collected in Günther Franz, ed., *Beamtentum und Pfarrertum, 1400–1800* (Limburg an der Lahn, 1972), and in Helmut Rössler and Günther Franz, eds., *Universität und Gelehrtenstand* (Limburg an der Lahn, 1970). For legal education at universities, see first of all histories of the major universities; see also Erich Döhring, *Geschichte der deutschen Rechtspflege* (Berlin, 1953), and Alfred de Curzon, *L'enseignement du droit français dans les universités de France aux XVII^e et XVIII^e siècles* (Paris, 1920).

[36] For the situation in Hessen, see Wolfgang Metz, "Das Eindringen des Bürgertums in die hessische Zentralverwaltung," typescript (Göttingen, 1947).

[37] Hans Maier, *Die ältere deutsche Staats- und Verwaltungslehre (Polizeiwissenschaft): Ein Beitrag zur Geschichte der politischen Wissenschaft in Deutschland)* (Neuwied, 1966); Notker Hammerstein, *Jus und Historie: Ein Beitrag zur Geschichte des historischen Denkens an deutschen Universitäten im späten 17. und im 18. Jahrhundert* (Göttingen, 1972).

[38] University ordinance, 1684, in Appel, *Sammlung Fürstlich-hessischer Landesordnungen*, no. 410.

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that of later Russian edicts on education we detect an unmistakable similarity in tone. True, in the Russian case stress is on the development of "useful" noble subjects, as well as trained personnel, while at Marburg there still is an emphasis on the preparation of pastors. But we must not forget the secular functions of the Protestant minister, especially in the countryside. And we are again on familiar territory when we compare the Hessian ordinances with some of the proposals for reforming ecclesiastical schools and the training of priests in the reign of Catherine II.[39] The time lag should not surprise us in view of Russia's condition. We clearly are in the presence of a continuum in time for over a century and in space from the Rhine to the Volga, rather than of discrete periods and regions defined in terms of the spread of the ideas of the French Enlightenment.

Even a hasty perusal of collections of police ordinances indicates that the major elements of what we usually subsume under Enlightenment notions were, in the latter decades of the seventeenth century, being introduced pragmatically, in competition to the earlier regulatory and directive approaches. Thus, for instance, we note rational persuasion and appeal to individual initiative and self-interest in the Hessian regulations concerning reforestation and the planting of fruit trees.[40] Similar elements of freedom of individual activity as a prerequisite of individual self-development can be detected in legislation affecting such areas as health, military recruitment, and the regulation of trades and crafts. To be sure, in every case the political unit is rather limited, and it is still conceived as part of a system of separate and discrete units rather than as part of an all-European polity, or even humanity as a whole, as was the case in the second half of the eighteenth century.[41]

As a rule the German ordinances concerning the police (in the seventeenth- and eighteenth-century sense of the term, of course) relied for their implementation on existing corporate bodies and functionaries or on officials already in place. And if a new office was created, it was usually staffed by someone representing the corporate or constituted body most directly affected by the new regulation, as for example in the Hessian ordinances concerning the French Huguenot refugees: police and judiciary functions with

[39] On Russian education in the eighteenth century, see in particular Mikhail F. Vladimirskii-Budanov, *Gosudarstvo i narodnoe obrazovanie v Rossii XVIII-go veka* (The State and Public Education in Eighteenth-Century Russia) (Yaroslavl, 1874), and Pavel N. Miliukov, *Ocherki po istorii russkoi kul'tury* (Essay on the History of Russian Culture), 3 (Paris, 1930). For ecclesiastical schools specifically, see Petr V. Znamenskii, *Dukhovnye shkoly v Rossii do reformy 1808 g.* (Ecclesiastical Schools in Russia Prior to the Reforms of 1808) (Kazan, 1881). Catherine's notions for the education and role of the parish clergy are briefly discussed in my study, "The Empress and the Vinerian Professor," *Oxford Slavonic Papers,* n.s. 7 (Oxford, 1974): 18–41.

[40] See especially the edicts of 1707, 1713, 1721, 1722, and 1724 on the planting of trees, in *Hessische Polizey Verordnungen die Hude, Gärten und Plantagen betreffend, 1647–1745* (n.d., n.p.), not paginated, a partly handwritten collection for didactic purposes.

[41] A certain August Witzman writes around 1790: "Il faut pour ainsi dire considérer toute l'Europe comme une grande ville commerçante et les différents états comme autant de magasins de marchandises." Memorandum, n.d., Leningrad Section of Institute of History, Academy of Sciences of the USSR, Leningrad, *fond* 36, no. 451, fol. 160.

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respect to the refugees were to be taken care of in part by existing Hessian officials and in part by functionaries selected from among the French Huguenots themselves.[42] A very different situation obtained in Russia, especially with the regular police functions that had already been developed in Western and Central European states. Introducing modern administration and police, the Petrine state had to create new officials for the purpose. True, they were frequently drawn from the social group most directly affected by the legislation,[43] but it was a compulsory draft that transformed them into virtual state servants and made them responsible for the actions of their fellows. The paradoxical consequence was that there was, simultaneously, a delay in the formation of a professional bureaucracy for the local institutions and the prevention of the restructuring of social groups along self-governing, corporate principles.

In essence, Peter I and his successors were closely following the model offered to them by the police ordinances of the German states. But the interesting differences in the consequences and subsequent evolution stemmed from the means that were at the disposal of the Russian rulers. The explanation was not in the more impulsive, direct, and brutally coercive Russian ways. The main point is that the Russian sovereigns could not rely on those social resources that were available to their European models, largely as a result of sixteenth-century policies and development.[44] They had to create the social matrix, which already existed in the West, as well as the instruments, as did their models, in order to make their reforms stick. But in pursuing both ends they undermined the effective growth potential of each. In Central Europe the old estates were firmly set and could be put to use, even though in the final analysis the new policies and developments were to threaten their nature and very survival. But in Russia the old "estates," to the extent that they existed at all,[45] could not be used,

[42] Hessian ordinances concerning Huguenot refugees, 1688 and Oct. 13, 1700, in Appel, *Sammlung Fürstlich-hessischer Landesordnungen,* nos. 437, 439, 531. These may be contrasted to the bureaucratic approach of Catherine in setting up a chancery for the guardianship of foreign settlers. "Kantseliariia po opekunstvu inostrannykh kolonistov," July 22, 1763, in *PSZ,* vol. 16, no. 11,881.

[43] For example, merchants were selected for membership in the Glavnyi Magistrat, a sort of city council. See "Reglament ili ustav Glavnogo Magistrata" (Regulation or Statute of the Main Magistracy), Jan. 16, 1721, in *PSZ,* vol. 6, no. 3,708.

[44] Herman Rehm, "Die rechtliche Natur des Staatsdienstes," in Georg Hirth and Max Seydel, eds., *Annalen des deutschen Reiches,* vol. 17, nos. 10–12 (Munich, 1884): 565–792; Georg von Below, "Die Neuorganisation der Verwaltung in den deutschen Territorien des 16. Jahrhunderts," in his *Territorium und Stadt* (2d ed.; Munich, 1923), 194–208; Heinz Dollinger, *Studien zur Finanzreform Maximilians I von Bayern in den Jahren 1598–1618: Ein Beitrag zur Geschichte des Frühabsolutismus* (Göttingen, 1968).

[45] On the vexed question of estates in Russia, see, for example, J. L. Keep, "The Moscovite Elite and the Approach to Pluralism," *Slavonic and East European Review,* 47 (1970): 201–31; Günther Stökl, "Gab es im Moskauer Staat Stände?" *Jahrbücher für Geschichte Osteuropas,* 11 (1963): 321–42; and, most impressively, Hans-Joachim Torke, *Die staatsbedingte Gesellschaft im Moskauer Reich: Zar und Zemlja in der altrussischen Herrschaftsverfassung, 1613–1689* (Leiden, 1974).

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and it was necessary to create a social matrix from which the ministers of the new administrative apparatus might be drawn. If the problem was not entirely clear to Peter I, it was to become quite obvious to his later successors.

THE FULL PRACTICAL FORMULATION of the principal aspirations and thrust of what we are wont to call the well-ordered police state can be found not only in the words and deeds of such energetic rulers as Frederick William I of Prussia[46] but also in a treatise that was widely read and used by administrators throughout the eighteenth century. It is the first treatise on police (in the early eighteenth-century meaning of the term) by Nicolas de LaMare.[47] First it should be noted that de LaMare acknowledges fully the debt contemporary police notions and practices owed to medieval precedents. He sees a straight line of development in police legislation from the early Valois rulers to Louis XIV, and in a sense the well-ordered police state is for him little more than the medieval urban community writ large on a territorial scale. LaMare correctly underscored the atomized nature of the contemporary system of states with each state a self-contained, autarkical unit. But he also gave expression to the more modern, dynamic conceptions of government that had been introduced in the seventeenth century, pragmatically in France, more systematically in the German states. The purpose of all government is to maximize resources and unfold the potential of energies of a nation, and to this end the government should have concern for the general welfare, both spiritual and material, of the population. Police is the means by which this goal is best pursued.[48] But the implication clearly seems to be that where the pattern of traditional institutions has broken down or is nonexistent, the function of police is to create or re-create it; this was the voluntaristic implication and modern thrust to be derived from a reading of the *Traité de police.*

[46] R. A. Dorwart, *The Administrative Reforms of Frederick William I of Prussia* (Cambridge, Mass., 1953); Dorwart, *The Prussian Welfare State before 1740* (Cambridge, Mass., 1971). For the broader context of the baroque world, see Hinrichs, *Friedrich Wilhelm I.*

[47] Nicolas de LaMare, *Traité de police* (Paris, 1722; 2d ed., expanded, Amsterdam, 1729).

[48] "J'ay ensuite montré que son [police] unique objet consiste à conduire l'homme à sa plus parfaite félicité dont il puisse jouir en cette vie. . . . On y découvre en même temps combien cette Police que nous suivons a de conformité avec les Loix du Droit naturel et qui ont commencé d'être suivies dès le premier âge du monde. . . . Les Loix . . . ont la droite raison pour cause efficiente, le bonheur des Peuples, le bien et le repos des Etats pour fin. Les Loix n'ont pas seulement pour objet de punir les vices, mais encore d'exciter à la pratique de toutes les vertus." De LaMare, *Traité de police* (2d ed.), preface, pp. 4, 240. And note a later statement, derived from de LaMare, of much more sweeping import: "La police . . . renferme l'universalité des soins relatifs à l'administration du bien public, le choix et l'emploi des moyens propres à le procurer, à l'accroître, à le perfectionner. Elle est, on peut le dire, la science de gouverner les hommes et de leur faire du bien, la manière de les rendre, autant qu'il est possible, ce qu'ils doivent être pour l'intérêt général de la société." J. B. Ch. LeMaire, "La police de Paris en 1770: Mémoire rédigé par les ordres de Mr. de Sartine," in A. Gazier, ed., *Mémoires de la société de l'histoire de Paris et de l'Ile de France,* 5 (Paris, 1879): 27–28.

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Catherine II of Russia was one of the treatise's readers.[49] It is interesting to note the way she approached the problem of a well-ordered police state and in what manner she differed in doing so from her imperial predecessor Peter I. Catherine II is frequently seen as one of the exemplars of enlightened absolutism, the enlightenment elements being inferred from the rhetoric of her famous instruction to the commission on legislation (1767) and her correspondence with Voltaire and Baron Grimm. But with equal justification, to my mind, she may be ranked among the great cameralist rulers, alongside the late seventeenth- and early eighteenth-century German princes from whom she stemmed, but with some interesting qualifications.[50] In her legislation we find the logical extension of a social policy paving the way for modernization while also displaying all the ambiguities of the *Polizeistaat* approach.

The well-known, but still inadequately studied, "Ustav blagochiniia" (1782), echoes the approach of an earlier century while also drawing on more recent German models.[51] Like its earlier sixteenth-century German antecedents, it has a strong moralistic bias indicating the ruler's awareness of a special responsibility for the spiritual well-being and progress of her subjects. In Catherine's statute there is a combination of moral obiter dicta and of modern Western European and scriptural precepts, a combination we find readily duplicated in the ordinances of Protestant princes in the age of Reformation. While conceivably some of the language of Catherine's didactic section—the so-called "Mirror"—may have indeed been derived from de LaMare, in this respect the latter also reflects an earlier tradition.[52] As a matter of fact, Catherine's "Mirror" is a worthy successor of the moral and didactic preambles and disquisitions to be found in the legislation of Peter I, and it would seem to indicate that neither ruler nor ruled in Russia had progressed very far since the early eighteenth century.

In the rather comprehensive articles of the "Ustav blagochiniia" concerning the policing of towns, Catherine followed cameralist ideas and the prac-

[49] Vladimir Grigor'ev, "Zertsalo upravy blagochiniia (epizod iz istorii Ustava blagochiniia 1782 g.)" (The Mirror of the Police Administration [An Episode from the History of the Police Statute]), *Russkii istoricheskii zhurnal* (Russian Historical Journal), 1917, nos. 3–4, pp. 73–103.

[50] On Catherine's sources for her instruction, see Catherine II, *Nakaz imperatritsy Ekateriny II, dannyi kommissii o sochinenii proekta novogo ulozheniia* (The Instruction of Empress Catherine II to the Commission on the Compilation of a Proposed New Law Code), ed. N. D. Chechulin (St. Petersburg, 1907), and F. V. Taranovskii, "Politicheskaia doktrina v nakaze imperatritsy Ekateriny II" (The Political Doctrine in the Instruction of Empress Catherine II), in M. N. Iasinskii, ed., *Sbornik stat'ei po istorii prava, posveshchennye M. F. Vladimirskomu-Budanovu* (Collection of Articles on the History of Law Dedicated to M. F. Vladimirskii-Budanov) (Kiev, 1904), 44–86.

[51] "Ustav blagochiniia" (Statute on Police), Apr. 8, 1782, in *PSZ,* vol. 21, no. 15,379.

[52] Article 41 of the "Statute on Police" (included in section D, "Instructions to the Police Administration") is generally called *zertsalo* (or "Mirror"), in imitation of the moral-didactic genre of the *Fürstenspiegel.* It contains general moral injunctions and rules of civilized behavior. Catherine's sources for this section are discussed by Grigor'ev, "Zertsalo upravy blagochiniia." In my opinion, Grigor'ev focuses too narrowly on possible verbatim borrowings from de LaMare's *Traité de police.*

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tice of seventeenth-century German ordinances.[53] The "Ustav blagochiniia," as it attempts to regulate and supervise all aspects of urban life, has the same comprehensiveness; it also exhibits the same intention to provide security and to maximize the creative potential of the urban population, so that it can play its assigned role in the total economy of the state. On the other hand, the Russian statute has an inordinately long section (almost one-half of the articles) detailing the punishments for every infraction of the rules. To enable the urban population to play its constructive role, Catherine attempted to lay the foundations of a gild system.[54] In so doing she followed German models, in particular by assigning urban police functions to the gilds, as did the administrative statute of Berlin of Frederick II. The towns and cities were to be subdivided into districts and *quartiers,* with a hierarchy of police functionaries for each and auxiliaries to be drawn from the local population. But here we encounter an essential difference: while for the setup in Berlin Frederick II relied on existing gild functionaries and the traditional system of corporate participation in the police, there were no such bodies in Russia.[55] The Russian police officials had to be drafted from the population in a way strongly reminiscent of the *sluzhba* (compulsory state service) practices of Muscovite and Petrine times that offered no counterpart advantages to those impressed and straightjacketed them in the rigid network of state service.[56] It also made the police very costly, while subjecting it to excessive bureaucratization and centralized state control.[57]

The reason for this approach is not far to seek, and it brings us to a second vital aspect of Catherine's legislation. It is precisely the corporate bodies and autonomous social institutions—Montesquieu's famous *corps intermédiaires*—that provided the essential framework for cameralism and police in Central and Western Europe and that were most conspicuously absent in Russia. Russian rulers, Peter I as well as Catherine II, were well aware of this absence. Peter I's heavy-handed efforts at forcing merchants to con-

[53] Catherine also planned a police statute for the countryside (i.e., the state peasants). It was not implemented in full, though it affected some local legislation in the Ukraine. See "Proekt imperatritsy Ekateriny II ob ustroistve svobodnykh sel'skikh obyvatelei" (The Project of Empress Catherine II concerning the Administration of Free Rural Inhabitants), ed. V. I. Veshniakov, in *Sbornik imperatorskogo russkogo istoricheskogo obshchestva* (Collection of the Imperial Russian Historical Society), 20 (St. Petersburg, 1877): 447–98.

[54] "Zhalovannaia gramota gorodam" (Charter Granted to the Towns), Apr. 21, 1785, in *PSZ,* vol. 22, no. 16,188.

[55] "O sochinenii reglamenta politsii" (On Drafting the Regulation for Police), Oct. 23, 1763, TsGADA, *fond* 248, bk. 3,411, no. 45, fol. 936–42. See also I. T. Tarasov, "Istoriia russkoi politsii i otnosheniia eia k iustitsii" (The History of the Russian Police and Its Relationship to Justice), *Iuridicheskii Vestnik* (Judicial Courier), 16 (1884): nos. 2–4, pp. 177–212, 383–411, 551–74.

[56] "Ustav blagochiniia," section B.

[57] For instance, implementing the Uprava Blagochiniia, the police administration, in Tula-Kaluga cost 27,728 rubles, 80½ kopecks, a very large sum for the time and for administrative expenses. "Report of Governor-General Mikhail Krechetnikov on the Kaluga, Tula, and Ryazan' Provinces, 1774–91: Report on the Establishment of Police Administrations in Tula and Kaluga," n.d., TsGADA, *razriad* 16, no. 729, pt. 2, fols. 10–11.

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stitute corporations to perform the many services that the state demanded from them—for example, the Glavnyi Magistrat—resulted in failure. The most energetic and progressive urban elements withdrew and avoided the new institutions, while the administrative bodies of the cities were transformed into the reluctant agents of the bureaucracy, losing their spirit of enterprise and social autonomy.[58] Catherine II had, therefore, to return to the task; to implement her "Ustav blagochiniia," as well as to create the socioinstitutional matrix for the modernization of Russia's economic and cultural life that she aimed for, she had to develop estates. This was the main thrust of her two charters of 1785, to the nobility and to the towns, as well as of the third charter, planned and drafted but never implemented, for the state peasants.[59] All of these legislative acts aimed at stimulating local administrative participation and responsibility by providing security and a corporate structure for the urban and noble sectors of society.[60]

In the short run, from the point of view I am considering, Catherine's legislation did have some success. It helped to promote the estate organization and participation on the local level and made possible the extension of *Polizeiordnung* to all urban centers as well as to some significant aspects of country life. But the ambiguity of the enterprise soon became apparent: the effort to create by the sovereign's fiat and legislation an estate structure capable of autonomous life foundered on the state's maintenance of direction and control.[61] This in turn meant handicapping the development of individual initiative and autonomous action on the part of estate institutions. And if this was indeed the case, the entire conception of both cameralism and enlightened absolutism—that is, the state's fostering of progress and modernization—was put in question. The equivocal results of this conception were fully experienced by Joseph II in his realm, for his imposition of a uniform and rational pattern provoked the resistance of those very constituted bodies whose creative energies he would have wanted to foster. In any event, and paradoxically perhaps, the interventionist and active policy of the cameralist *Polizeistaat* and enlightened absolutism, whether it relied on existing estate structures or tried to develop them, resulted in a greater

[58] Aleksandr A. Kizevetter, *Posadskaia obshchina v Rossii XVIII stoletiia* (The Urban Commune in Eighteenth Century Russia) (Moscow, 1903).

[59] "Zhalovannaia gramota dvorianstvu" (Charter Granted to the Nobility), Apr. 21, 1785, in *PSZ*, vol. 22, no. 16,187; "Zhalovannaia gramota gorodam"; "Proekt imperatritsy Ekateriny II ob ustroistve svobodnykh sel'skikh obyvatelei." A detailed analysis of the composition and sources of the charter to towns was made by Aleksandr A. Kizevetter, *Gorodovoe polozhenie Ekateriny II 1785 g. Opyt istoricheskogo kommentariia* (The Urban Statute of Catherine II in 1785: An Essay in Historical Commentary) (Moscow, 1909). For an original interpretation of Catherine's social legislation, see Dietrich Geyer, "Gesellschaft als staatliche Veranstaltung," *Jahrbücher für Geschichte Osteuropas*, 14 (1966): 21–50. I follow and illustrate further Professor Geyer's argument in "The Empress and the Vinerian Professor."

[60] Robert E. Jones, *The Emancipation of the Russian Nobility, 1762–1785* (Princeton, 1973).

[61] For the nobility the story has been told by Sergei A. Korf, *Dvorianstvo i ego soslovnoe upravlenie za stoletie 1762–1885 gg.* (The Nobility and Its Corporate Administration for the Century 1762–1855) (St. Petersburg, 1906).

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awareness on the part of the members of society of the desirability of maximizing their own creative energies. This led to the transformation of traditional status solidarities into an emerging class-consciousness determined by individual self-interest and active economic and cultural involvement. In turn, it stimulated questioning of the legitimacy of absolutism and cameralism, while at the same time pushing society and its active members onto the road of modernity and individualism.[62]

As the preceding remarks have made clear, it is difficult to break up the web of administrative history into discrete, sharply defined periods: the web is seemless, and a specific pattern arises out of the immanent dynamics of ends and means set long before. Some key ideas that we associate with modernity and ascribe to the Enlightenment came into existence and reached practical significance long before the impact of the writings of the philosophes. Such, for example, is the notion of felicity. The eudaemonism of seventeenth-century cameralism and police contained *in nuce* this notion of general welfare and happiness, only at that time both welfare and happiness were considered to be the means for the attainment of the primary aim of any polity: the maximizing of potential energies to further the power, independence, and influence of the state. What may be called the "enlightenment amendment" to this conception was the transformation of felicity from a mere instrument of a transcendental political goal into an end to be achieved for its own sake. Furthermore—especially in France, less so in Germany whose *Aufklärung* retained much of the earlier communal outlook—the stress was put on the felicity of the individual, leading up to the Utilitarian slogan of the greatest happiness for the greatest number. This individualistic emphasis fostered a "possessive individualism" that gave priority to the pursuit of private material interest over the general welfare of the community. Politically it legitimized resistance to the claims of the state (or ruler) and fostered the resort to a new rhetoric. This rhetoric, in turn, generated attitudes that eventually endowed modernization with its contemporary dynamic force and transmuted it into a transcendent absolute that became a normative standard, similar to the abstract notions of justice embodied in modern codes of law.

In one respect, at least, the enlightened despots crowned the work begun by their cameralist predecessors. The quantity of ordinances had grown to such an extent that they threatened to stifle the proper operation of the very institutions they regulated. With the readjustments of borders and the expansion of economic units there was great need for regular and uniform procedures to facilitate a freer flow of goods and to provide security

[62] The implicit model was England. But what seems to have been there an autonomous social development was the result of state policy on the Continent.

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of persons and property.[63] Last, but not least, the individual's potential to maximize cultural and material resources—via inventions, art, and trade—had to be secured and firmly anchored.[64] This security should not depend on personal authority but on the interplay of social and economic relationships and the freely assumed responsibilities of members of society (or their organized bodies). Such a goal implied an effort at realizing the intellectual presuppositions on which the policies we have been concerned with were based: rational regularity and uniformity predicated on the uniformity of human nature, alongside a recognition of the variety of natural factors, such as climate, and the didactic lead of political power. This effort took the form of the codification of law, so as to provide a harmonious, regular, uniform, and stable legal framework within which the dynamic forces of modernity, which had been prodded into being by the *Polizeistaat,* might find their full scope and expression. The second half of the eighteenth century was the period of codification attempts par excellence on the European Continent—attempts that best exemplify the aspirations of both cameralist and enlightened absolutism.[65] Codification also aimed at routinizing the social conceptions of natural law doctrine that constituted the core of seventeenth-century absolutist cameralism and police: the priority of the obligations of members of society to the community (or the state). It meant emphasizing the individual's duties at the expense of his rights.[66] Further, one may see in the process of codification an example of the leadership role of the state, that is, of the political power.

We need not go into the history of the process of codification in various

63 There were also the difficulties and confusions arising out of the coexistence of several systems of law, for example, Roman, German customary, and feudal laws. The situation was not dissimilar in France where there were two major types of law—*droit de coutume* and *droit écrit*—besides local variations. See the fascinating and subtle comparative analysis by John P. Dawson, *The Oracles of the Law* (Ann Arbor, 1968). The varieties of enforceable laws may be at the root of the requirement to exhaust normal juridical procedures in one system before appealing to the ruler and also of the distrust of "judge-made" law and decisions based on the moral judgment of the magistrate. For the latter, see, for example, Johann Friedrich Schram, *Richterlicher Gewissensspiegel* . . . (Erfurt, 1729), preface.

64 On security of benefits of inventions and patents, see the interesting remarks in North and Thomas, *Rise of the Western World.*

65 And let us not forget the early efforts of Colbert in France. See Joseph van Kan, *Les efforts de codification en France* (Paris, 1929); André-Jean Arnaud, *Les origines doctrinales du Code civil français* (Paris, 1969); and the special issue, "Le droit au XVII[e] siècle," of the journal *XVII[e] siècle,* 1963, nos. 58–59. To avoid misunderstanding, it should be observed that codification since the later seventeenth century was not merely the collecting of ancient, existing laws, as in the *coutumiers,* but also a systematic working over in order to bring about a new system of legal norms. The process was clearly illustrated in France, too, in the efforts of Chancelier d'Aguessau in the middle of the eighteenth century. Henri Regnault, *Les ordonnances civiles du chancelier Daguessau* (Paris, 1929–38); see also Dawson, *Oracles of the Law.*

66 Herein lies the root of the difference between the impact of natural law in Germany and its development in England and in France. Suggestive illustration is to be found in the recently published lectures of main authors of the Prussian and Austrian codification efforts in Hermann Conrad and Gerd Kleinheyer, eds., *Vorträge über Recht und Staat von Carl Gottliev Svarez, 1746–1798* (Cologne, 1960), and in Hermann Conrad, ed., *Recht und Verfassung des Reiches in der Zeit Maria Theresias (Die Vorträge zum Unterricht des Erzherzogs Joseph)* (Cologne, 1964).

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countries, a history that reveals still many gaps in our knowledge, particularly with respect to the antecedents of eighteenth-century codes and their debt to earlier practices and conceptions.[67] In any event, it is an incontrovertible fact that the successful codifications in Bavaria, Prussia, and Austria, and eventually the French Code Civil, played major roles in the process of modernization at the beginning of its most dynamic period. Franz Wieacker has rightly said that codification is a unique achievement of Western Europe, in fact of Continental Europe.[68] The factors of this achievement that Wieacker adduces should be extended to include the precursor role and basic contribution of the cameralist *Polizeistaat,* which made this kind of codification not only the passive response to necessity but a creative act, and as such a fundamental contribution to the eventual triumph of the spirit of modernity in the postrevolutionary era.

While professors of natural law jurisprudence at German universities proclaimed the individual's responsibility and obligations to the group, the practices of their rulers led to the disruption of group solidarities and the emergence of the selfish, interest-oriented person. The pursuit of exclusive personal advantage strengthened individualism, of course, but it also produced a greater alienation from the group. Individual creative enterprise becoming an end in itself, it had no limit except that of a confrontation with the other—hence alienation, in the sense of experiencing the other as adversary. This imposed a new function on the state and, in view of the disintegration of the estates, fostered the direct involvement of the government in keeping the conflicting selfish claims of individuals in their proper and socially tolerable bounds.[69] This need of the government to intervene to protect the communal solidarities threatened by the very forces it had

[67] In addition to Villey, *La formation de la pensée juridique moderne;* Arnaud, *Les origines doctrinales du Code civil français;* von Kan, *Les efforts de codification en France;* and Dawson, *Oracles of the Law,* see Franz Wieacker, *Privatrechtsgeschichte der Neuzeit* (2d ed.; Göttingen, 1967). The literature on the codification in Prussia alone is boundless; for some interesting new interpretations, see Reinhart Kosellek, *Preussen zwischen Reform und Revolution* (Stuttgart, 1967); Hans-Uwe Heuer, *Allgemeines Landrecht und Klassenkampf* (Berlin, 1960); Günter Birtsch, "Zum konstitutionellen Charakter des preussischen Allgemeinen Landrechts von 1794," in Kurt Kluxen and W. J. Mommsen, eds., *Politische Ideologien und nationalstaatliche Ordnung: Festschrift für Theodor Schieder* (Munich, 1968), 97–1 ➡ Birtsch, "Gesetzgebung und Repräsentation im späten Absolutismus," *Historische Zeitschrift,* 208 (1969): 265–94; Hermann Conrad, *Die geistigen Grundlagen des Allgemeinen Landrechts für die preussischen Staaten von 1794* (Cologne, 1958); and Conrad, *Rechtsstaatliche Bestrebungen im Absolutismus Preussens und Österreichs am Ende des 18. Jahrhunderts* (Cologne, 1961). As usual, the study by Wilhelm Dilthey repays reading. "Das allgemeine Landrecht," *Gesammelte Schriften,* 12 (Stuttgart, 1960): 131–207.

[68] Codification is "die Unterwerfung des Richters und der Rechtsgenossen unter die Herrschaft eines lückenlosen Normensystems, das in widerspruchsfreier Folge vom einzelnen Rechtssatz, vom einzelnen Rechtsinstitut zu den obersten Begriffen und Grundsätzen aufsteigt. In diesem Sinne ist Kodifikation eine einzigartige, schwer errungene und schwer zu verteidigende Schöpfung der Rechtsgesittung auf dem west- und mitteleuropäischen Festland, und zunächst nur auf ihm: eine der charakteristischsten Bildungen des europäischen Geistes, an dem seine gesellschaftliche und ideengeschichtliche Eigenart mit besonderer Schärfe erscheint." Franz Wieacker, "Aufstieg, Blüte und Krisis der Kodifikationsidee," in *Festschrift für Gustav Boehmer* (Bonn, 1954), 34.

[69] Mack Walker, *German Home Towns* (Ithaca, 1971).

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promoted resulted in a directive and positively engaged state. Such a state could not be merely the "night watchman" of English nineteenth-century liberalism or remain the high justicer of medieval tradition: it was on the way to becoming the directive and interventionist welfare state of the late nineteenth century. And was it to be wondered if the state itself, no longer the ruler of society, became an end unto itself instead of being merely the means for the organization of security and welfare? Not only did the ruler become its first servant, but every citizen was put to serve the state's requirements of ongoing modernization. It was the last step in the conversion of the single individual from a creative force into an instrument of modernity for the benefit of the state.

What has been called "state socialism," and Frederick II its initiator, in fact had its roots in the cameralist and police administrations of seventeenth-century absolutism. As Georges Gurvitch has pointed out in an important, though sadly neglected, book, the seventeenth-century German emphasis on the communal component of natural law theories provided the basis for a doctrine of social rights that led the German states—as well as Bonapartist France and Russia—to take the initiative in introducing modern social legislation.[70] It surely contributed to make these Continental European countries receptive to state *dirigisme* in all walks of life. And if that is indeed the case, should not England's ideology of possessive individualism, and its nineteenth-century political triumph in Manchesterianism, be considered as an exception to the Western pattern of modernization?[71] Be this as it may, the Continental pattern of development may account for the particular strains accompanying modernization, since it assigns an ambiguous role to the political and intellectual leadership, a role inherited from cameralist absolutism but no longer to be contained in the contemporary industrial structure.

The general conclusion to be drawn from this account may not be anything more than to show once again that the web of human history is woven from the antinomies and paradoxes that stem from the discrepancy between ends and means: means devised to solve specific problems by one age become ends in themselves and thereby create problems whose very solution is limited by the terms set by the original intellectual framework. But in more specific terms, if the analysis has any validity, we must conclude that the practices and intellectual presuppositions of seventeenth-century absolutism, as manifested in cameralist and police legislation, proved more significant and came earlier than the ideas of the philosophes in giving dynamic

[70] Georges Gurvitch, *L'idée du droit social* (Paris, 1932).

[71] C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford, 1962); Hans Medick, *Naturzustand und Naturgeschichte der bürgerlichen Gesellschaft: Die Ursprünge der bürgerlichen Sozialtheorie als Geschichtsphilosophie und Sozialwissenschaft bei Samuel Pufendorf, John Locke und Adam Smith* (Göttingen, 1973). This contrast would have to be extended to include the United States and the Commonwealth countries (or their antecedents) in the nineteenth century.

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impulse to the process of modernization. In endowing these earlier impulses with its own rhetoric, the Enlightenment appears only as a response to, not a precondition of, Europe's embarking on modernity.[72] True, the rhetoric itself became a powerful force in its own right—but that is another, and later, story.

[72] The domination exercised by French literature and the psychological impact of the French Revolution (as well as of the "French interpretation" of the American Revolution) have tended to obscure the formative role played by earlier ethical and philosophical concepts going back to the sixteenth century. It also served to push into the background the impact of traditional political ideas and institutions, as well as the model provided by small republican states that were still significant in the eighteenth century. Besides the very rich material afforded by Arnaud, *Les origines doctrinales du Code civil français,* see in particular Franco Venturi, *Utopia and Reform in the Enlightenment* (Cambridge, 1971), and Venturi, *Settecento-riformatore: Da Muratori a Beccaria* (Turin, 1969). A suggestive interpretation of the American scene in terms of traditional political ideas and attitudes is Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1971).

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